



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold
Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

April 21, 2010

Certified Mail – Return Receipt Requested
Article Number: 7009 1410 0002 2347 2752

In reply refer to:
748862:jebsen

Eileen Maher
San Diego Unified Port District
3165 Pacific Highway
San Diego, CA 92101

Dear Ms. Maher:

SUBJECT: Action on Request for Clean Water Act Section 401 Water Quality Certification for the Shore Power Project at B Street Pier and Embarcadero Wharf, Water Quality Certification No. 10C-006

Enclosed find Clean Water Act Section 401 Water Quality Certification (Certification) with acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017 DWQ for Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have received State Water Quality Certification for the Shore Power Project at B Street Pier and Embarcadero Wharf. A description of the project and location can be found in the project information sheet and on location and site maps compiled by the California Regional Water Quality Control Board, San Diego Region (Regional Board), which are included as Attachments 1 through 4.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the Regional Board including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability, referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



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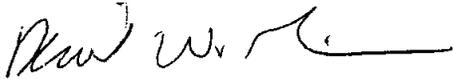
Eileen Maher
San Diego Unified Port District
401 Certification10C-006

- 2 -

April 21, 2010

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. If you have any questions regarding this notification, please contact Ms. Jody Ebsen directly at 858-636-3146 or by email via jebsen@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 10C-006 for the Shore Power Project at B Street Pier and Embarcadero Wharf, with 4 attachments

cc: Refer to Attachment 2 of Certification 10C-006 for Distribution List.

File No.	10C-006
WDID:	9 000002024
<u>CIWQS</u>	
Reg. Measure ID:	372862
Place ID:	7488623
Party ID:	281794
Person ID:	102127



Linda S. Adams
Acting Secretary for
Environmental
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<http://www.waterboards.ca.gov/sandiego>



Arnold
Schwarzenegger
Governor

Action on Request for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials

PROJECT: Shore Power Project at B Street Pier and Embarcadero Wharf
Certification No. 10C-006 WDID No. 900002024

APPLICANT: Eileen Maher
San Diego Unified Port District
3165 Pacific Highway
San Diego, CA 92101

File No.	10C-006
WDID:	9 000002024
<i>CIWQS</i>	
Reg. Measure ID:	372862
Place ID:	748862
Party ID:	281794
Person ID:	102127

ACTION:

<input checked="" type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION:

The project is to install under deck electrical utilities for shore power equipment on the west end of the B Street Pier and along the Embarcadero Wharf in San Diego Bay.

STANDARD CONDITIONS:

The following three standard conditions apply to all Certification actions, except as noted under Condition 3 for denials (Action 3):

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



G:\ON\NN\A

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This Certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial Certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency:

ADDITIONAL CONDITIONS:

In addition to the three standard conditions, the San Diego Unified Port District must satisfy the following:

A. GENERAL CONDITIONS:

1. The San Diego Unified Port District must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), to support this 401 Water Quality Certification (Certification) and all subsequent submittals required as part of this Certification and as described in Attachment 1. The conditions within this Certification must supersede conflicting provisions within such plans submitted prior to the Certification action. Any modifications thereto, would require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.
2. During construction, the San Diego Unified Port District must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
3. San Diego Unified Port District must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:

8. In response to a suspected violation of any condition of this Certification, the Regional Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
9. In response to any violation of the conditions of this Certification, the Regional Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

B. PROJECT CONDITIONS:

1. Prior to the start of the project, and annually thereafter, the San Diego Unified Port District must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. San Diego Unified Port District must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, Statewide General Waste Discharge Requirements for discharges of dredged or fill material that have received State Water Quality Certification. These General Waste Discharge Requirement are accessible at:
http://www.waterboards.ca.gov/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.
3. All debris generated from this project shall be prevented from entering San Diego Bay. Any debris discharged into the Bay shall be collected and removed from the bay and disposed of properly.
4. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.

C. REPORTING:

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.

2. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

3. San Diego Unified Port District must submit reports required under this Certification, or other information required by the Regional Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 09C-001
9174 Sky Park Court, Suite 100
San Diego, California 92123

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On January 27, 2010, receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public. No comments were received during the public notification period.

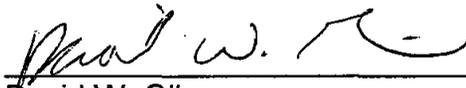
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Jody Ebsen
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
(858) 636-3146
jebesen@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the Shore Power Project to B Street Pier and Embarcadero Wharf (Project No. 10C-006) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017 DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Board's Water Quality Control Plan (Basin Plan).



David W. Gibson
Executive Officer
Regional Water Quality Control Board

4-21-2010

Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map
 4. Site Designs, a-d

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: San Diego Unified Port District
Attention: Eileen Maher
P.O. Box 120488
San Diego, CA 92112-0488
Telephone: 619-686-6254
Facsimile: 619-6866467
Email: emaher@portofsandiego.org

Project Name: Shore Power Project to B Street Pier and Embarcadero Wharf, 10C-006

Project Location: 1140 North Harbor Drive, San Diego

Type of Project: Utility upgrades to existing pier.

Need for Project: Provide shore power to cruise ships at berths. This project is consistent with the Port Clean Air Program and to comply with the California Air Resource Board shore side rule. The rule requires installation of shore power infrastructure for ships, in order to reduce air emissions and greenhouse gas pollutants, to be operational by 2014.

Project Description: The project is to install under deck electrical utilities for shore power equipment on the west end of the B Street Pier and along the Embarcadero Wharf in San Diego Bay.

Federal Agency/Permit: U.S. Army Corps of Engineers, NWP 12, Robert Smith

Other Required Regulatory Approvals: Port of San Diego, Coastal Development Permit, Matt Valerio

California Environmental Quality Act (CEQA) Compliance: California Environmental Quality Act (CEQA) Notice of Determination, Mitigated Negative Declaration for the B Street Pier Shore Power Project, filed January 7, 2010 with the Office of Planning and Research, San Diego Unified Port District.

Receiving Water: San Diego Bay

Affected Waters of the United States/State: Ocean

Shore Power Project to B Street Pier
and Embarcadero Wharf

10C-006

Dredge Volume: N/A

Compensatory Mitigation: Upgrades are to the exiting pier and the upper portions of pier and wharf. No significant impacts to water are anticipated therefore no mitigation is required.

Public Notice: On January 27, 2010, receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public. No comments were received during the public notification period.

Fees: Total Due: \$640.00
Total Paid: \$640.00 (check No. 129490)

CIWQS: Regulatory Measure ID: 372862
Place ID: 748862
Party ID: 281794

**ATTACHMENT 2
DISTRIBUTION LIST**

Cc via email:

Robert Smith
U.S. Army Corps of Engineers, Regulatory Branch
Robert.R.Smith@usace.army.mil

State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

U.S. Environmental Protection Agency, Region 9
Wetlands Regulatory Office
R9-WTR8-Mailbox@epa.gov

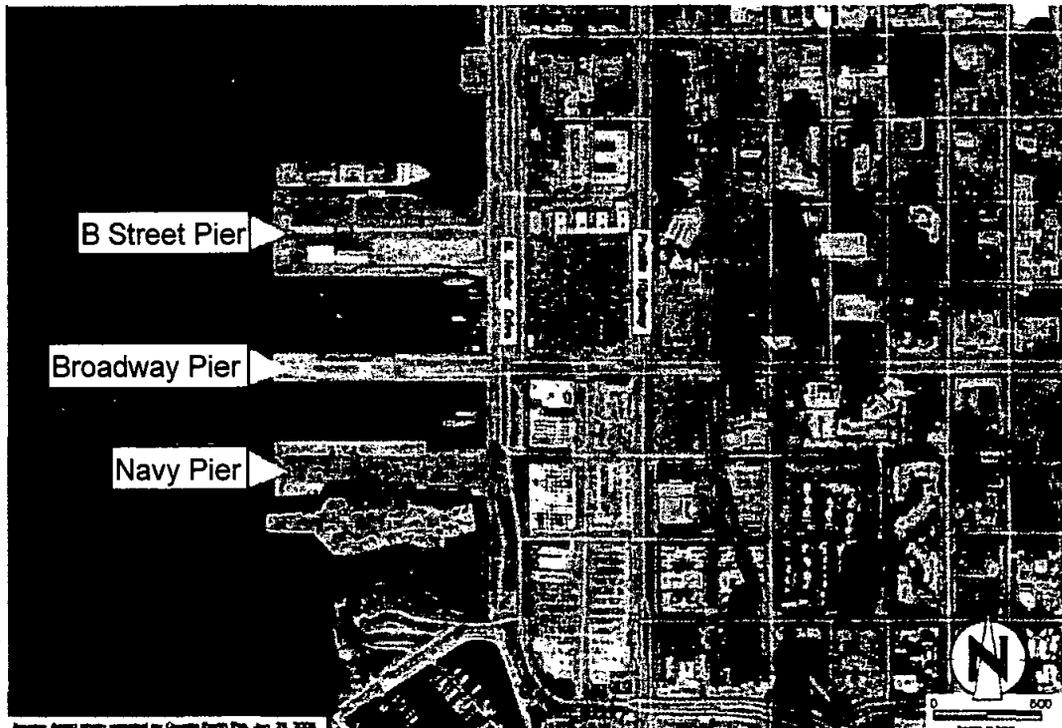
David Zoutendyk
U.S. Department of the Interior
Fish and Wildlife Service
david_zoutendyk@fws.gov

Attachment 3 Location Map

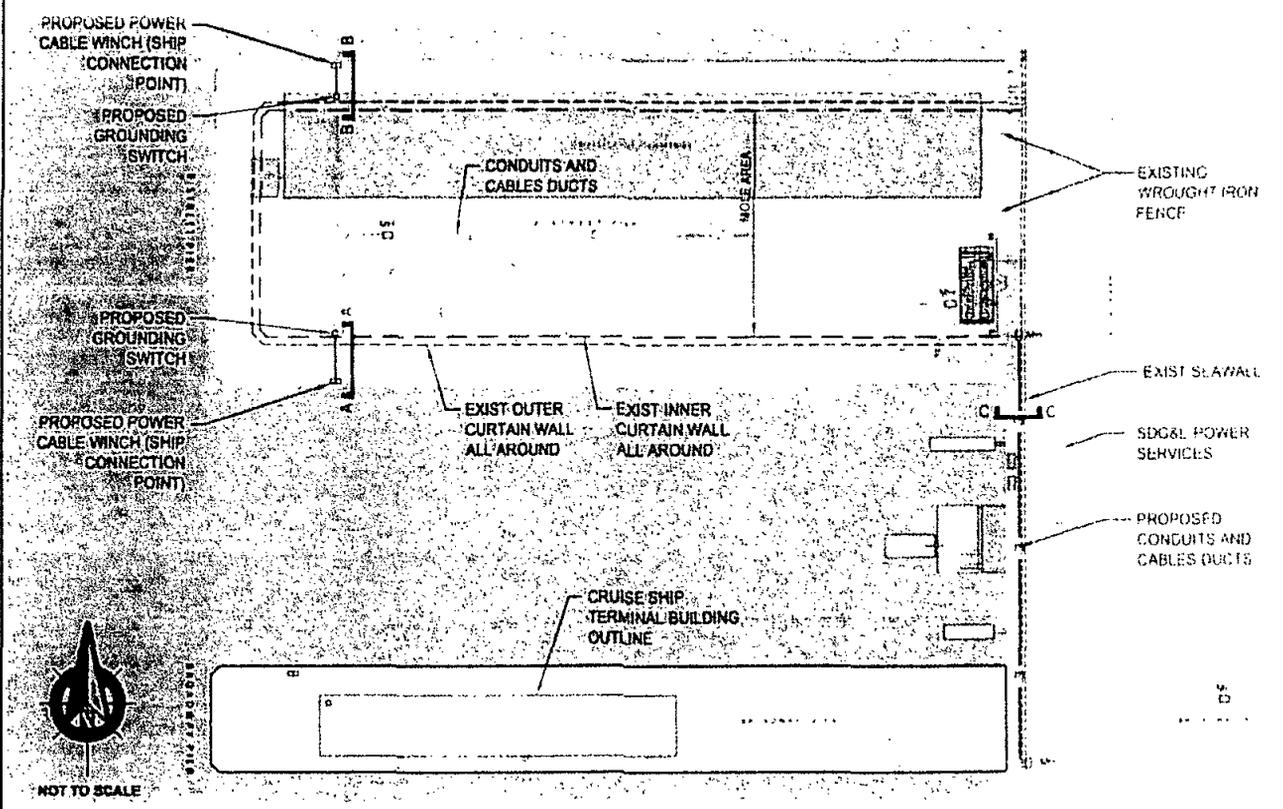
Figure 2: Aerial of the Port of San Diego



Figure 3: Aerial Photo of B Street Pier and Immediate Vicinity



Attachment 4a Site Design



SITE PLAN
NO SCALE

PURPOSE: SHORE POWER EQUIPMENT AND ELECTRICAL CONDUITS INSTALLATION AND EMBARCADERO WHARF

DRAWN BY: M.L.L.W.

ADJACENT PROPERTY OWNERS: SAN DIEGO UNIFIED PORT DISTRICT

SAN DIEGO UNIFIED PORT DISTRICT
3165 PACIFIC HIGHWAY
SAN DIEGO, CA 92101

DIRECTOR OF ENGINEERING:

BRIAN S. ...

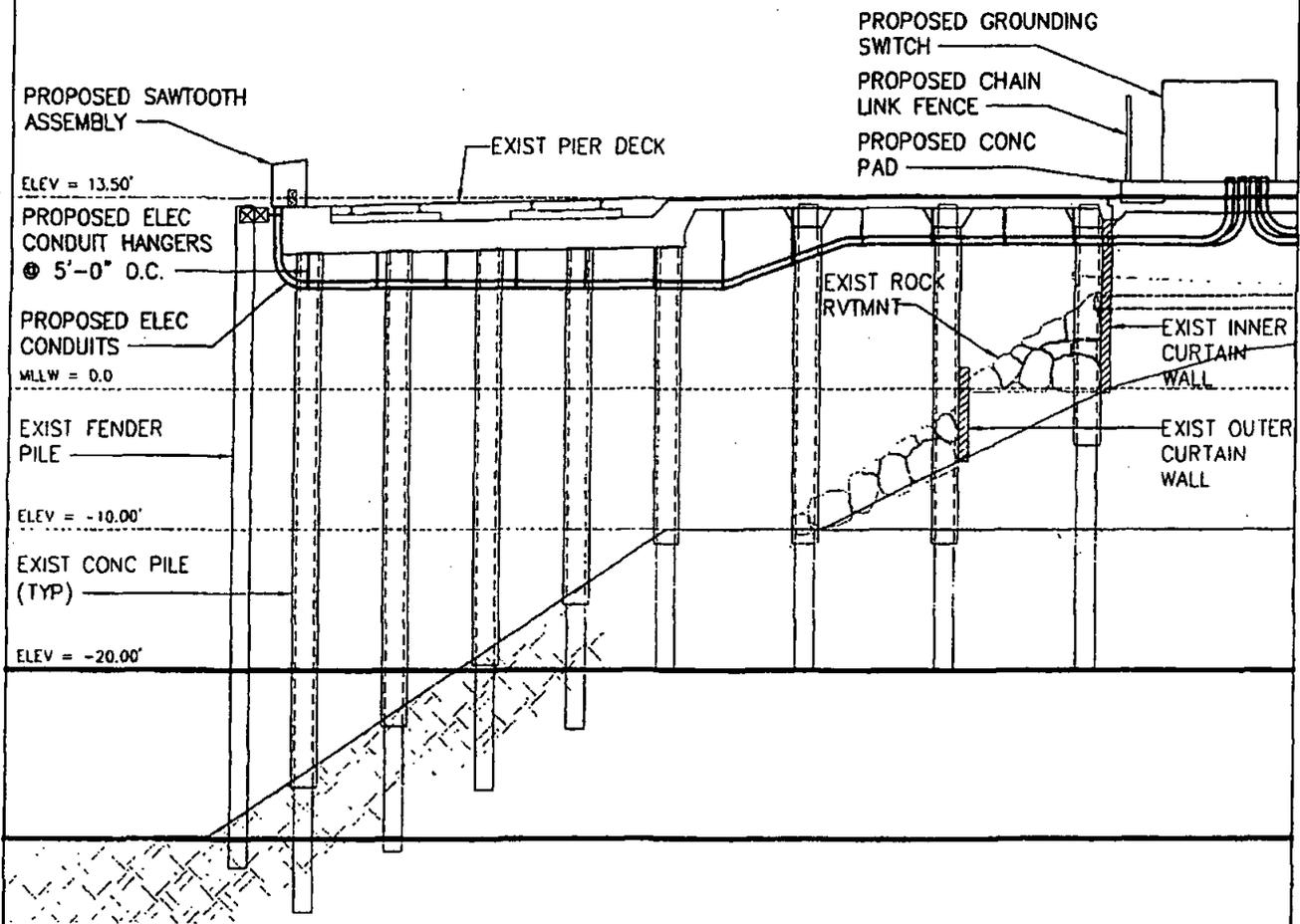
DRAWN BY: PMD CHECKED BY: M. MULLUGETA

SAN DIEGO BAY
AT SAN DIEGO
COUNTY OF SAN DIEGO CA

APPLICATION BY:
SAN DIEGO UNIFIED PORT DISTRICT

SHEET 2 OF 5 DATE: JAN 11, 2010
DWS NO: 330-C

Attachment 4b Site Design



SECTION B-B - LOOKING WEST B STREET PIER (SOUTH SIDE)

SCALE: 1" = 12'

PURPOSE. SHORE POWER EQUIPMENT AND ELECTRICAL CONDUITS INSTALLATION AND EMBARCADERO WHARF

DATUM: M.L.L.W.

ADJACENT PROPERTY OWNERS:
SAN DIEGO UNIFIED PORT DISTRICT

SAN DIEGO UNIFIED PORT DISTRICT
3165 PACIFIC HIGHWAY
SAN DIEGO, CA 92101

DIRECTOR OF ENGINEERING:

BRIAN STUP
DRAWN BY: PMD CHECKED BY: Y MULUGETA

IN: SAN DIEGO BAY
AT: SAN DIEGO
COUNTY OF: SAN DIEGO STATE: CA

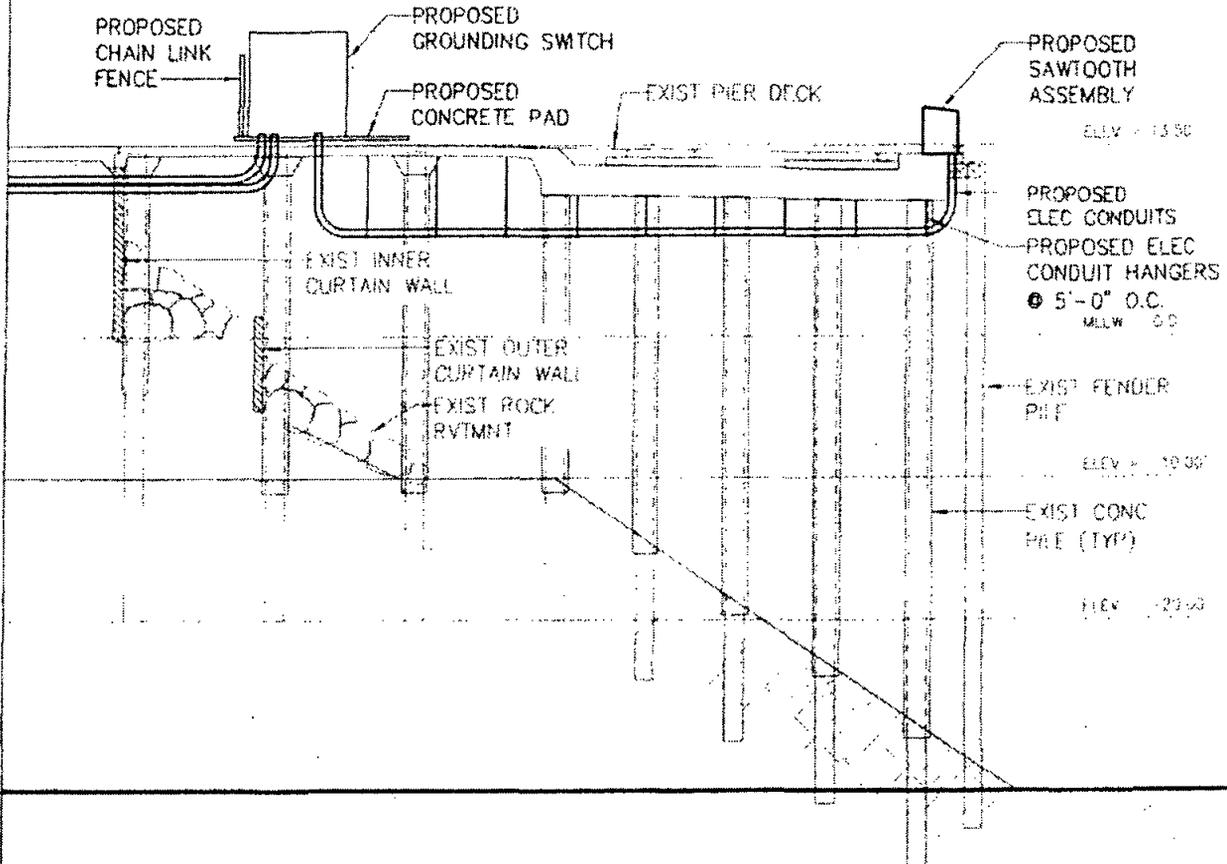
APPLICATION BY:
SAN DIEGO UNIFIED PORT DISTRICT

SHEET 3 OF 5
DWG NO: 330-C

DATE: JAN 11, 2010
REV: -

CHONONH

Attachment 4c Site Design



SECTION A-A - LOOKING WEST B STREET PIER (NORTH SIDE)

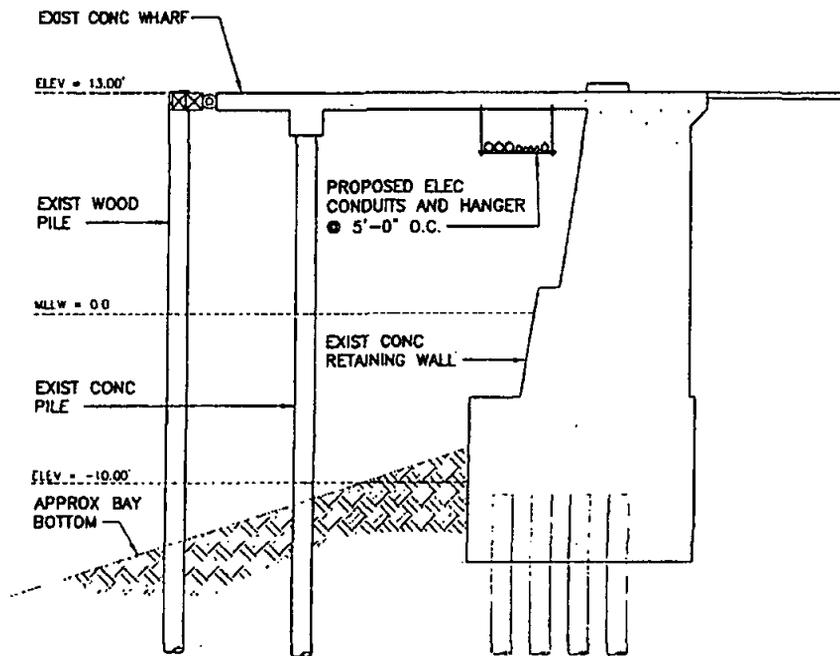
SCALE: 1" = 12'

<p>PURPOSE SHORE POWER EQUIPMENT AND ELECTRICAL CONDUITS INSTALLATION AND EMBARCADERO WHARF</p> <p>DATE M.L.L.W.</p> <p>RELATING PROPERTY OWNERS SAN DIEGO UNIFIED PORT DISTRICT</p>	<p>SAN DIEGO UNIFIED PORT DISTRICT 3165 PACIFIC HIGHWAY SAN DIEGO, CA 92101</p> <p>DIRECTOR OF ENGINEERING</p> <p style="text-align: center;">BRIAN BRUP</p> <p>DRAWN BY PMD CHECKED BY Y. MULLIGETA</p>	<p>IN SAN DIEGO BAY AT SAN DIEGO COUNTY OF SAN DIEGO STATE CA</p> <p>APPLICATION BY SAN DIEGO UNIFIED PORT DISTRICT</p> <p>SHEET 4 OF 5 DATE JAN 11, 2010</p> <p>DWG NO. 330-C REV. -</p>
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C-101-011-1

C-101-011-1

Attachment 4d
Site Design



SECTION C-C - EMBARCADERO WHARF

SCALE: 1" = 10'

PURPOSE: SHORE POWER EQUIPMENT AND ELECTRICAL CONDUITS INSTALLATION AND EMBARCADERO WHARF

DATUM: M.L.L.W.
ADJACENT PROPERTY OWNERS:
SAN DIEGO UNIFIED PORT DISTRICT

SAN DIEGO UNIFIED PORT DISTRICT
3165 PACIFIC HIGHWAY
SAN DIEGO, CA 92101

DIRECTOR OF ENGINEERING:

BRIAN STUP

DRAWN BY: PMD CHECKED BY: Y MULUGETA

IN: SAN DIEGO BAY
AT: SAN DIEGO
COUNTY OF: SAN DIEGO STATE: CA
APPLICATION BY:
SAN DIEGO UNIFIED PORT DISTRICT

SHEET 5 OF 5 DATE: JAN 11, 2010
DWG NO: 330-C REV: -

OPEN\N\N\A

OPEN\N\N\A

COMPLETE THIS SECTION

Items 1, 2, and 3. Also complete Restricted Delivery if desired. Write name and address on the reverse so we can return the card to you. Attach card to the back of the mailpiece, front if space permits.

Delivered to:

Silicon Maker
 DIEGO UNITED PORT District
 3165 Pacific Highway
 DIEGO CA 92101

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Number (from service label)

7009 1410 0002 2347 2752

February 11, 2004

Domestic Return Receipt

102595-02-M-1540

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Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: Silicon Maker, Port of San Diego
 Street, Apt. No., or PO Box No.: 3165 Pacific Highway
 City, State, ZIP+4: SAN DIEGO CA 92101

PS Form 3800, August 2006

See Reverse for Instructions

OWON NUN A